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Anne Penachio, Esq.

**HEARING DATE AND TIME:  
APRIL 26, 2023 AT 10:00 AM**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

MARY ELLEN MERUSI,

Reorganized Debtor.  
-----X

Chapter 11

Case No. 15-22392-shl

**NOTICE OF HEARING ON PROPOSED FINAL DECREE AND ORDER CLOSING  
DEBTOR'S CHAPTER 11 CASE PURSUANT TO 11 U.S.C. § 350(a) AND FEDERAL  
RULE OF BANKRUPTCY PROCEDURE 3022 AND GRANTING RELATED RELIEF**

**PLEASE TAKE NOTICE**, a hearing on the application, dated February 23, 2023 (the “**Application**”) of Mary Ellen Merusi, the above-captioned debtor (the “**Debtor**”) for a final decree and order closing the Debtor’s chapter 11 case, pursuant to 11 U.S.C. § 350(a) and Federal Rule of Bankruptcy Procedure 3022, will be held before the Honorable Sean H. Lane, United States Bankruptcy Judge, in his Chambers at the U.S. Federal Building and Courthouse, 300 Quarropas Street, White Plains, New York 10601, on April 26, 2023 at 10:00 AM.

**PLEASE TAKE FURTHER NOTICE** that the hearing may be conducted remotely via Zoom for Government. Please refer to the Bankruptcy Court website [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov) and/or contact the undersigned for guidance.

**PLEASE TAKE FURTHER NOTICE** that a copy of the Application is available on the Bankruptcy Court’s website, [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov) or from the undersigned on request.

**PLEASE TAKE FURTHER NOTICE**, that objections, if any, to the relief requested in the Application or the Order shall be (i) made in writing, (ii) filed with the Court electronically in accordance with General Order M-399 by registered users of the Court’s electronic case filing

system and, by all other parties in interest, mailed to the Clerk of the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York 10601, directly to the Chambers of the Honorable Sean H. Lane, United States Bankruptcy Judge, at the U.S. Federal Building and Courthouse, 300 Quarropas Street, White Plains, New York 10601 and (iii) served upon Penachio Malara, LLP, 245 Main Street, Suite 450, White Plains, New York 10601, Attn: Anne Penachio, and the Office of the United States Trustee, Alexander Hamilton Custom House, One Bowling Green, Room 534, New York, NY 10004, so as to be actually received no later than **5:00 PM** New York time on **April 19, 2023**. Unless objections are filed, the relief set forth in the Application may be granted.

Dated: White Plains, New York  
February 23, 2023

**PENACHIO MALARA LLP**

/s/ Anne Penachio  
Anne Penachio  
Counsel to the Reorganized Debtor  
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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

MARY ELLEN MERUSI, Chapter 11  
Case No. 15-22392-shl  
Reorganized Debtor.

-----X

**MOTION FOR ENTRY OF FINAL DECREE CLOSING DEBTOR'S CHAPTER 11  
CASE**

**MARY ELLEN MERUSI** (the “Debtor” or the “Reorganized Debtor”) under her confirmed amended Chapter 11 plan of reorganization by and through undersigned counsel, for her motion (the “Motion”) seeking entry of a final decree closing her Chapter 11 case respectfully represents as follows:

**SUMMARY OF RELIEF**

1. By this Motion, the Debtor seeks entry of a final decree (the “Final Decree”) by this Court, in the form annexed hereto, pursuant to section 350 of title 11, United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”) and Rule 3022 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), closing her Chapter 11 case. As set forth below, the Debtor’s Chapter 11 amended plan of reorganization (the “Plan”) dated April 11, 2022 was confirmed by order of this Court dated May 18, 2022. See Exhibit A. The Plan has been substantially consummated. Substantial payments required to be made under the Plan have been completed. No matters are outstanding. By the return date of this Motion, the Debtor will have filed all outstanding reports including the post-confirmation report. Therefore, the Debtor believes that it is appropriate for a Final Decree in the form annexed hereto to be entered

closing her Chapter 11 case.

2. A post-confirmation report will be filed with the Court prior to the return date of this Motion and counsel will confer with the U.S. Trustee with respect to any additional amounts due.

### **BACKGROUND**

3. On March 27, 2015, the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York.

4. The Debtor filed for Chapter 11 relief to protect her assets from seizure by creditor Atlantis Capital, Inc. (“Atlantis”).

5. At the time of the Chapter 11 filing, the Debtor had an interest in multiple properties including a condominium, a dock, a bungalow and a single-family home. During this Chapter 11 case, the Debtor surrendered or sold all properties other than the bungalow.

6. The Debtor’s Plan provides for a 100% distribution to all creditors.

7. Pursuant to an Order of the Court dated May 18, 2022 (Dkt. No. 211), the undersigned’s firm was awarded \$43,101.00 in fees and \$5,704.86 in expenses, which was approved by the Court. The outstanding U.S. Trustee fees have been paid. Distributions to all creditors have been made.

8. The Plan has been substantially consummated.

9. The Debtor will file a Closing Report pursuant to Local Bankruptcy Rule 3022-1, and will make all payments to the Office of the United States Trustee as required by 28 U.S.C §1930.

### **A FINAL DECREE CLOSING THIS CASE SHOULD BE ENTERED**

10. Section 350(a) of the Bankruptcy Code provides that the court shall close the case after the estate has been fully administered. See 11 U.S.C. §350(a). In addition, Bankruptcy

Rule 3022 provides that after an estate has been fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party-in-interest, shall enter a final decree closing the case.

11. The Debtor respectfully submits that, inasmuch as the Confirmation Order has become final, distributions and transfers of property required by the Plan have been made and there are no motions, contested matters, or adversary proceedings pending in this Court with respect to the Debtor's Chapter 11 case. The Debtor's estate has been substantially administered and the Final Decree closing this case should be entered.

#### **NOTICE AND WAIVER OF MEMORANDUM**

12. The Debtor will serve a copy of this Motion by First Class mail upon the Office of the United States Trustee and all parties that have filed a notice of appearance or are otherwise interested in this case. The Debtor respectfully submits that such notice is sufficient and requests that this Court find that no further notice of the relief requested herein is required.

13. No other motion seeking the relief requested herein has been made to this or any other Court.

14. The Debtor respectfully requests that the Court waive any requirement that a memorandum of law be filed.

**WHEREFORE**, the Debtor respectfully requests that this Court enter the Final Decree closing this case in the form annexed hereto as Exhibit B, enter a discharge and grant such other and further relief as is just and proper.

Dated: White Plains, New York  
February 23, 2023

**PENACHIO MALARA LLP**  
/s/ Anne Penachio  
Anne Penachio  
Counsel to the Reorganized Debtor  
245 Main Street - Suite 450  
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